



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,825	08/14/2000	Housh Khoshbin	3861 P 002	9537

7590 08/12/2004

James P Muraff  
Wallenstein & Wagner Ltd  
311 South Wacker Drive  
53rd Floor  
Chicago, IL 60606

EXAMINER
----------

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 08/12/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/638,825

**Applicant(s)**

KHOSHBIN ET AL.

**Examiner**

Vernal U Brown

**Art Unit**

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2635

### **DETAILED ACTION**

This action is responsive to communication filed on May 17, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the cancellation of claims 1-41 and the addition of claims 42-63.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 54-55, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Hymel et al. U.S Patent 6031467.

Regarding claim 54, Hymel et al. teaches a method of receiving paging information at a wireless device, the method comprising: receiving a paging information at the wireless device; detecting a first user selection to view the paging information (col. 3 lines 6-12); displaying an advertisement at the wireless device in response to detecting the first user selection (col. 3 lines 45-60). Hymel et al. also teaches displaying the paging information after a predetermined period of time (the predetermined amount of time is the time taken to display the advertisement). Hymel et al. also teaches accessing the message through using user's control the message (col. 3 lines 3-9) and once the user

Art Unit: 2635

request presentation of the received message the advertisement message is displayed followed by the paging information (col. 3 lines 49-55). Hymel also teaches storing and displaying multiple messages (figure 4) therefore a second user action to display a second paging information is also anticipated by Hymel et al.

Regarding claim 55, Hymel et al. teaches the advertisement is preprogrammed in to the wireless device by storing the advertisement message in memory (col. 3 lines 52-53).

Regarding claim 60 Hymel et al. teaches a wireless device (122) comprising:  
a housing (inherent to the wireless device);  
a display attached to the housing (318);  
a controller (308) operatively coupled to the display;  
a receiver operatively connect to the controller, wherein the controller is programmed to (i) receive paging information (col. 2 lines 10- 20), (ii) detect a user selection to view the paging information (col. 3 lines 6-12), (iii) display an advertisement at the wireless device in response to detecting the user selection (col. 3 lines 50-53). displaying an advertisement at the wireless device in response to receiving the page signal and displaying the paging information after the advertisement information is displayed (col. 3 lines 50-53). Hymet et al. also teaches displaying the paging information after a predetermined period of time (the predetermined amount of time is the time taken to display the advertisement). Hymel also teaches storing and displaying multiple messages (figure 4) therefore a second user action to display a second paging information is also anticipated by Hymel et al.

Art Unit: 2635

Claim 48 is rejected under 35 U.S.C. 102(e) as being anticipated by Bermel U.S Patent 6674357.

Regarding claim 48, Bermel teaches a method of receiving paging information at a wireless device (col. 4 lines 7-20) comprising:

Receiving, storing and displaying a plurality of messages in a selected sequence (col. 4 lines 32-35) and the messages are received and stored in a specific time slot (col. 5 lines 3-6) and the advertisers are assigned specific slot (col. 5 lines 37-41) and are displayed in a predetermined allotted time (col. 5 lines 48-55). The programming of the wireless device with a first and second length of time for displaying a first and second advertisement is therefore anticipated by Bermel.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6031467 in view of Hoffberg U.S Patent 6429812.

Regarding claim 42, Hymel et al. teaches a method of receiving paging information at a wireless device, the method comprising: receiving a page signal at the wireless device (col. 2 lines 10- 20); displaying an advertisement at the wireless device in response to receiving the page signal and displaying the paging information after the advertisement information is displayed (col. 3 lines 50-53). Hymel et al. also teaches

Art Unit: 2635

displaying the paging information after a predetermined period of time (the predetermined amount of time is the time taken to display the advertisement). Hymel et al. also teaches accessing the message through using user's control the message (col. 3 lines 3-9) and once the user request presentation of the received message the advertisement message is displayed followed by the paging information (col. 3 lines 49-55). Hymet et al. is however silent on teaching immediately displaying the advertisement at the wireless device in response to receiving the page signal. Hoffberg in an art related wireless device teaches immediately displaying a received output as an alternative to storing the receive message (col. 31 lines 10-15).

It would have been obvious to one of ordinary skill in the art to immediately display the advertisement at the wireless device in response to receiving the page signal in Hymel et al. as evidenced by Hoffberg because Hymel et al. suggests storing a received page in memory and displaying an advertisement at the wireless device in response to a user input and Hoffberg teaches immediately displaying a received output as an alternative to storing the receive message in order to provide the user with instant advertisement messages.

Regarding claim 43, Hymel et al. teaches storing the advertisement message in memory (col. 3 lines 52-53).

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6031467 in view of Hoffberg U.S Patent 6429812 and further in view of Hymel et al. U.S Patent 6157814.

Regarding claims 44 and 57, Hymel et al. (U.S Patent 6031467) in view of Hoffberg teaches displaying advertisement information (col. 3 lines 50-53) but is silent

Art Unit: 2635

on teaching the advertisement include displaying company logo. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches the advertisement uses an icon which is a graphical depiction of an advertiser symbolism (col. 3 lines 18-22) and one skilled in the recognizes that a graphical depiction of an advertiser symbolism is represented by a company logo.

It would have been obvious to one of ordinary skill in the art for the advertisement to include displaying company logo in Hymel (U.S Patent 6031467) in view of Hoffberg as evidenced by Hymel et al. (U.S Patent 6031467) because Hymel et al. (U.S Patent 6031467) in view of Hoffberg suggests displaying advertisement information and Hymel et al. (U.S Patent 6031467) teaches the advertisement uses an icon which is a graphical depiction of an advertiser symbolism and one skilled in the recognizes that a graphical depiction of an advertiser symbolism is represented by a company logo.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6031467 in view of Hoffberg U.S Patent 6429812 and further in view of Fukuda U.S Patent 6477365.

Regarding claim 45, Hymel et al. (U.S Patent 6031467) in view of Hoffberg teaches displaying advertisement information (col. 3 lines 50-53) but is silent on teaching the advertisement include displaying the company name. One skilled in the art recognizes that an advertisement conventionally includes the company name and the inclusion of a company name in an advertisement is further evidenced by Fukuda (col. 7 lines 35-38).

Art Unit: 2635

It would have been obvious to one of ordinary skill in the art for the advertisement to include displaying the company name in Hymel et al. (U.S Patent 6031467 in view of Hoffberg as evidenced by Fukuda because Hymel et al. (U.S Patent 6031467) in view of Hoffberg suggests displaying advertisement information and one skilled in the art recognizes that an advertisement conventionally includes the company name and the inclusion of a company name in an advertisement is further evidenced by Fukuda.

Claims 46-47 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6031467 in view of Hoffberg U.S Patent 6429812 and further in view of Bruno et al. U.S Patent 6434383.

Regarding claims 46-47 and 58-59, Hymel et al. (U.S Patent 6031467) in view of Hoffberg teaches displaying paging information (col. 3 lines 50-53) but is silent on teaching the paging information includes a phone number and a person's name. Bruno et al. in an art related portable communication system teaches paging information includes a phone number and a person's name (col. 3 lines 42-49) in order to provide identification information to the subscriber.

It would have been obvious to one of ordinary skill in the art to includes a phone number and a person's name in Hymel et al. in view of Hoffberg as evidenced by Bruno et al. because Hymel et al. in view of Hoffberg suggests displaying paging information and Bruno et al. teaches paging information includes a phone number and a person's name in order to provide identification information to the subscriber.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bermel U.S Patent 6674357 in view of Hymel et al. U.S Patent 6157814.



Art Unit: 2635

Regarding claim 49, Bermel teaches programming wireless device with the advertisement message by receiving and storing the advertisement message in the memory (col. 4 lines 32-35) but is silent on teaching preprogramming the wireless device with the first advertisement a retailer. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches programming a wireless receiver with the advertisement messages at the service provider which is considered the retailer (col. 3 lines 25-29).

It would have been obvious to one of ordinary skill in the art to program the wireless device with the first advertisement a retailer in Bermel as evidenced by Hymel et al. because Bermel suggests programming wireless device with the advertisement message by receiving and storing the advertisement message in the memory and Hymel et al. teaches programming a wireless receiver with the advertisement messages at the service provider which is considered the retailer and a convenient point for programming the wireless receiver.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bermel U.S Patent 6674357 in view of Hymel et al. U.S Patent 6157814.

Regarding claim 50, Bermel teaches displaying advertisement messages (col. 4 lines 7-20) but is silent on teaching the advertisement include displaying company logo. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches the advertisement uses an icon which is a graphical depiction of an advertiser symbolism (col. 3 lines 18-22) and

Art Unit: 2635

one skilled in the art recognizes that a graphical depiction of an advertiser symbolism is represented by a company logo.

It would have been obvious to one of ordinary skill in the art for the advertisement to include displaying company logo in Bermel as evidenced by Hymel et al. (U.S. Patent 6031467) because Bermel suggests displaying advertisement information and Hymel et al. (U.S. Patent 6031467) teaches the advertisement uses an icon which is a graphical depiction of an advertiser symbolism and one skilled in the art recognizes that a graphical depiction of an advertiser symbolism is represented by a company logo.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bermel U.S. Patent 6674357 in view of Fukuda U.S. Patent 6477365.

Regarding claim 51, Bermel teaches displaying advertisement messages (col. 4 lines 7-20) but is silent on teaching the advertisement include displaying the company name. One skilled in the art recognizes that an advertisement conventionally includes the company name and the inclusion of a company name in an advertisement is further evidenced by Fukuda (col. 7 lines 35-38).

It would have been obvious to one of ordinary skill in the art for the advertisement to include displaying the company name in Bermel as evidenced by Fukuda because Bermel suggests displaying advertisement information and one skilled in the art recognizes that an advertisement conventionally includes the company name and the inclusion of a company name in an advertisement is further evidenced by Fukuda.

Art Unit: 2635

Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bermel U.S Patent 6674357 in view of Bruno et al. U.S Patent 6434383.

Regarding claims 52-53, Bermel teaches displaying paging information (col. 4 lines 7-20) but is silent on teaching the paging information includes a phone number and a person's name. Bruno et al. in an art related portable communication system teaches paging information includes a phone number and a person's name (col. 3 lines 42-49) in order to provide identification information to the subscriber.

It would have been obvious to one of ordinary skill in the art to includes a phone number and a person's name in Bermel as evidenced by Bruno et al. because Bermel suggests displaying paging information and Bruno et al. teaches paging information includes a phone number and a person's name in order to provide identification information to the subscriber.

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6031467 in view of Hymel et al. U.S Patent 6157814.

Regarding claim 57, Hymel et al. (U.S Patent 6031467) teaches displaying advertisement information (col. 3 lines 50-53) but is silent on teaching the advertisement include displaying company logo. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches the advertisement uses an icon which is a graphical depiction of an advertiser symbolism (col. 3 lines 18-22) and one skilled in the recognizes that a graphical depiction of an advertiser symbolism is represented by a company logo.

It would have been obvious to one of ordinary skill in the art for the advertisement to include displaying company logo in Hymel (U.S Patent 6031467) as

Art Unit: 2635

evidenced by Hymel et al. (U.S Patent 6031467) because Hymel et al. (U.S Patent 6031467) suggests displaying advertisement information and Hymel et al. (U.S Patent 6031467) teaches the advertisement uses an icon which is a graphical depiction of an advertiser symbolism and one skilled in the art recognizes that a graphical depiction of an advertiser symbolism is represented by a company logo.

Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6031467 in view of Bruno et al. U.S Patent 6434383.

Regarding claims 58-59, Hymel et al. (U.S Patent 6031467) teaches displaying paging information (col. 3 lines 50-53) but is silent on teaching the paging information includes a phone number and a person's name. Bruno et al. in an art related portable communication system teaches paging information includes a phone number and a person's name (col. 3 lines 42-49) in order to provide identification information to the subscriber.

It would have been obvious to one of ordinary skill in the art to include a phone number and a person's name in Hymel et al. as evidenced by Bruno et al. because Hymel et al. suggests displaying paging information and Bruno et al. teaches paging information includes a phone number and a person's name in order to provide identification information to the subscriber.

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable Hymel U.S Patent 6031467 in view of Robson et al. U.S Patent 6008819.

Regarding claim 61, Hymel et al. teaches a memory device operatively connected to the controller (figure 3) and the advertisement message in memory (col. 3 lines 52-53)

Art Unit: 2635

but is silent on teaching the memory is non-volatile. One skilled in the art recognizes that non-volatile memory is widely used in wireless devices in order to secure the memory content in the absence of power as evidenced by Robson et al. (col. 6 lines 14-20).

It would have been obvious to one of ordinary skill in the art to have non-volatile memory in Hymel et al. as evidenced by Robson et al. because Hymel et al. suggests a memory device operatively connected to the controller and the advertisement message in memory. One skilled in the art recognizes that non-volatile memory is widely used in wireless devices in order to secure the memory content in the absence of power as evidenced by Robson et al.

Claims 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6031467 in view of Bruno et al. U.S Patent 6434383.

Regarding claims 62-63, Hymel et al. teaches displaying paging information (col. 3 lines 50-53) but is silent on teaching the paging information includes a phone number and a person's name. Bruno et al. in an art related portable communication system teaches paging information includes a phone number and a person's name (col. 3 lines 42-49) in order to provide identification information to the subscriber.

It would have been obvious to one of ordinary skill in the art to includes a phone number and a person's name in Hymel et al. as evidenced by Bruno et al. because Hymel et al. suggests displaying paging information and Bruno et al. teaches paging information includes a phone number and a person's name in order to provide identification information to the subscriber.

Art Unit: 2635

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on 8:30-6:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
August 3, 2004



BRIAN ZIMMERMAN  
PRIMARY EXAMINER